

SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM

DATE: 10-25-01

APPL. S.N.: 081 736 267

TO EXAMINER: D. Lukton

ART UNIT: 1653

MOSE MONTGOMERY ROOM 11E18

MAILROOM DATE 10-9-01

AFTER FINAL YES ☒ NO ☐ NUMBER OF T.D(S). FILED 1

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE.

- ☒ The T.D. is PROPER and has been recorded. (See 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).
- ☐ The recording fee of \$ _____ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)
- ☐ Application Examiner has not processed T.D. fee. (See fee authorization).
- ☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).
- ☐ The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).
- ☐ It is directed to a particular claims(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).
- ☐ The person who signed the terminal disclaimer:
- ☐ has failed to state his/her capacity to sign for the business entity, (See 14.28).
 - ☐ is not recognized as an officer of the assignee, (See 14.29 and possibly 14.29.01).
- ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).
- ☐ No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).
- ☐ The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if TD is not signed by all the owners.
- ☐ Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).
- ☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)(For Samples 14.27.04 and 14.27.05)
- ☐ Other: _____

☐ Suggestion to request refund of \$ _____. (See 14.35, 14.36).

☐ **EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALTIES MAY BE FAXED IN TO THE GROUP**

FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:

- ☐ Sample of a TD over a pending application and assignee Certificate (See 14.37).
- ☐ Sample of a TD over a prior patent and assignee Certificate (See 14.38).
- ☐ Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kjell Bäckström et al.
Serial No.: 08/736,267
Filed : October 24, 1996
Title : COMPOSITIONS FOR INHALATION

Art Unit: 1645
Examiner: P. Duffy

Assistant Commissioner for Patents
Washington, DC 20231

TERMINAL DISCLAIMER UNDER
37 CFR §3.73(b) AND §1.321(b)

Pursuant to 37 CFR §3.73(b), AB Astra, a corporation, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment, a copy of which is attached hereto, was recorded in the Patent and Trademark Office at Reel/Frame 7172/0512 on September 6, 1994.

AB Astra further certifies that it is the assignee of the entire right, title, and interest in U.S. Patent Nos. 5,506,203 ('203 patent) and 5,518,998 ('998 patent) by virtue of assignment from the inventors thereof. The assignment for the '203 patent was recorded in the Patent and Trademark Office at Reel/Frame 7171/0415 on September 6, 1994. The assignment for the '998 patent was recorded in the Patent and Trademark Office at Reel/Frame 7231/0628 on September 6, 1994. Copies of both assignments are attached hereto.

The undersigned has reviewed all the documents in the chain of title of the above identified application, and, to the best of the undersigned's knowledge and belief, title is in AB Astra. The undersigned (whose title is supplied below) is empowered to sign this disclaimer on behalf of the assignee.

Pursuant to 37 CFR §1.321(b) and to obviate a double patenting rejection, AB Astra hereby waives and disclaims the

Date of Deposit October 28, 1998
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Diane M. Saturno
Diane M. Saturno

terminal portion of the term of the entire patent to be granted upon the present application subsequent to the expiration dates of the '203 patent and '998 patent. Further, any patent granted on the present application shall be enforceable only for and during such period that said patent granted upon the present application is commonly owned with the '203 and '998 patents.

AB Astra does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory terms of the '203 and '998 patents in the event that one of the latter expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

This disclaimer runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

~~AB~~ Astra AB
(publ.)


by: Dr. Claes Wilhelmsson
Executive Vice President
Research and Development

Date: 11 Sep. 1998
Place: Södertälje

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